

HOUSE BILL 2106

By Maddox

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 10 and Title 40, Chapter 35, relative to offenses involving the sexual exploitation of minors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1003, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1) A violation of this section is a Class C felony; however, if the number of individual images, materials, or combination of images and materials, that are possessed is more than fifty (50), then the offense shall be a Class B felony. If the number of individual images, materials, or combination of images and materials, exceeds one hundred (100), the offense shall be a Class A felony.

(2) Notwithstanding any other provision of law to the contrary the minimum sentence for the Class C felony violation of this subsection is ten (10) years and the minimum sentence is required to be served day for day before eligibility for any form of release status. The minimum sentence for the Class B felony violation of this subsection is twenty (20) years and the minimum sentence is required to be served day for day before eligibility for any form of release status. The minimum sentence for the Class A felony violation of this subsection is twenty-five (25) years and the minimum sentence is required to be served day for day before eligibility for any form of release status

SECTION 2. Tennessee Code Annotated, Section 39-17-1004, is amended by deleting subdivisions (a)(4) and (b)(4) and substituting instead the following:

(a)(4)

(A) A violation of this section is a Class B felony; however, if the number of individual images, materials, or combination of images and materials that are promoted, sold, distributed, transported, purchased, exchanged or possessed, with intent to promote, sell, distribute, transport, purchase or exchange, is more than twenty-five (25), then the offense shall be a Class A felony.

(B) Notwithstanding any other provision of law to the contrary the minimum sentence for the Class A felony violation of this subsection is twenty-five (25) years and the minimum sentence is required to be served day for day before eligibility for any form of release status.

(b)(4)

(A) A violation of this section is a Class B felony; however, if the number of individual images, materials, or combination of images and materials, that are promoted, sold, distributed, transported, purchased, exchanged or possessed, with intent to promote, sell, distribute, transport, purchase or exchange, is more than twenty-five (25), then the offense shall be a Class A felony.

(B) Notwithstanding any other provision of law to the contrary the minimum sentence for the Class A felony violation of this subsection is twenty-five (25) years and the minimum sentence is required to be served day for day before eligibility for any form of release status.

SECTION 3. Tennessee Code Annotated, Section 39-17-1005, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1) A violation of this section is a Class A felony. Nothing in this section shall be construed as limiting prosecution for any other sexual offense under this chapter, nor shall a joint conviction under this section and any other related

sexual offense, even if arising out of the same conduct, be construed as limiting any applicable punishment, including consecutive sentencing under § 40-35-115, or the enhancement of sentence under § 40-35-114.

(2) Notwithstanding any other provision of law to the contrary the minimum sentence for the Class A felony violation of this subsection is twenty-five (25) years. A person violating this section shall be required to serve day for day the entire sentence imposed before eligibility for any form of release status.

SECTION 4. This act shall take effect July 1, 2007, the public welfare requiring it.